

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

In re:

**TOMMY DEWAYNE DOBSON
ANNE CHRISTINE DOBSON,

Debtors.**

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**Chapter 11

Case No. 23-60148**

**SUMMARY OF BALLOTS RELATED TO
SECOND AMENDED PLAN FILED SEPTEMBER 13, 2023**

Come now, Tommy Dewayne Dobson and Anne Christine Dobson, the debtors and debtors-in-possession (the “Debtors”), by counsel, and submit this summary of the ballots (the “Summary”) received in connection with the Second Amended Chapter 11 Plan of Reorganization (the “Plan”) filed and proposed by the Debtors in this case on September 13, 2023.

Other than as specified herein, no other creditors or interest holders submitted ballots for or against the Plan prior to the deadline of October 5, 2023, as set by the Amended Order And Notice Under Subchapter V of Chapter 11 Fixing Dates For Hearing On Confirmation Of Plan; Filing Acceptances Or Rejections Of Plan; And Filing Objections To Confirmation Of Plan, as entered by this Court on September 14, 2023 [Dkt. No. 131].

The Plan identified the impaired classes under the Plan to include the creditors in Classes 1, 2, 4 & 5.

With respect to the creditors in the impaired Class 1 and impaired Class 2, no ballots were received.

With respect to the creditors in the impaired Class 4, two ballots were received as indicated in the chart below.¹

Creditor	Class	Claim Amount	POC #	Vote
Roy & Mary Whitley	4	\$3,350.00	31	Ballot Rejects Plan
Aric & Laura Holsinger	4	\$3,350.00	26	Ballot Accepts Plan <i>Rec'd 10/6/23</i>

With respect to the creditors in the impaired Class 5, eighteen (18) ballots were received. Nine (9) creditors voted to accept the Plan, representing 32% of the amount of the claims that voted in Class 5. Nine (9) creditors voted to reject the Plan, representing 68% of the amount of the claims that voted in Class 5.

A summary of all ballots received is shown below.

Creditor	Class	Claim Amount	POC #	Vote
Glen & Nancy Littlefield	5	\$457,962.00	23	Ballot Rejects Plan ²
Jonathan & Linda Alexander	5	\$1,530,523.58	38	Ballot Rejects Plan
Michael & Karen Littlefield	5	\$169,561.29	20 & 21 ³	Ballot Rejects Plan ⁴

¹ Each of these claims, however, is subject to an objection as to the priority portion of the claim (objections filed October 2, 2023, Dkt No. 154 and Dkt No. 155) which would otherwise be provided for under Class 4. 11 U.S.C. § 1126 provides that only a "holder of a claim...allowed under §502" is entitled to accept or reject a chapter 11 plan." 11 U.S.C. § 502 provides that a claim for which a proof of claim has been filed is deemed to be an allowed claim "unless a party in interest...objects." Accordingly and absent a motion under Federal Rule of Bankruptcy Procedure 3018(a), the Debtors respectfully submit that neither ballot is considered as part of the determination of the acceptance of Class 4.

² The Debtors show the Littlefields with one vote rejecting the plan notwithstanding the fact that Glen Littlefield and Nancy Littlefield each filed an identical ballot based on the same claim.

³ Proof of Claim No. 21 is subject to a pending objection to claim filed October 11, 2023 (Dkt No. 161), as it appears to be a duplicate of Proof of Claim 20. As such and for the same reasons noted in Footnote No. 1, above, the Debtors respectfully submit that no ballot should be counted for Proof of Claim 21. For the avoidance of doubt, the Debtors concede that the ballot of Michael and Karen Littlefield for Proof of Claim No. 20 would be counted and have, in fact, done so as part of the calculations noted in this Summary.

⁴ The Debtors show the Littlefields with one vote rejecting the plan notwithstanding the fact that Michael Littlefield and Karen Littlefield each filed an identical ballot based on the same claim.

Creditor	Class	Claim Amount	POC #	Vote
Louis R. Morris, Trustee	5	\$307,773.00	43	Ballot Rejects Plan
Roy & Mary Whitley	5	\$608,437.40	31	Ballot Rejects Plan
Terry Lynn	5	\$575,000.00	10	Ballot Rejects Plan
Thomas & Elizabeth Rollo	5	\$235,172.64	24	Ballot Rejects Plan
Geoffrey & Kristi Elsie	5	\$150,000.00	22	Ballot Rejects Plan
Bradley & Mary Daniel	5	\$76,095.11	n/a	Ballot Rejects Plan <i>Rec'd 10/7/2023</i>
		\$4,110,525.02 total claims voting to Reject Plan		9 total votes Rejecting Plan, representing 68% of amount of voting claims
American Express National Bank	5	\$21,182.24	13	Ballot Accepts Plan
American Express National Bank	5	\$30,161.14	14	Ballot Accepts Plan
Container Rentals LLC	5	\$6,424.00	n/a	Ballot Accepts Plan
H&P Painting Services, LLC	5	\$72,030.89	47	Ballot Accepts Plan
Michael & Nina Murray	5	\$1,274,473.68	33	Ballot Accepts Plan
Morris Tile	5	\$62,187.60	n/a	Ballot Accepts Plan
Stone Central, Inc. t/a Classic Granite & Marble	5	\$53,990.48	29	Ballot Accepts Plan
Aric & Lara Holsinger	5	\$205,333.28	26	Ballot Accepts Plan <i>Rec'd 10/6/2023</i>
Mayank & Sejal Gala	5	\$197,000.00	n/a	Ballot Accepts Plan <i>Rec'd 10/10/23</i>
		\$1,922,783.31 total claims Accepting Plan		9 total votes Accepting Plan, representing 32% of amount of voting claims
		\$6,033,308.33		

Creditor	Class	Claim Amount	POC #	Vote
		total claims that submitted votes		

No other creditors or parties in interest voted to accept or reject the Plan.

All ballots that were used in connection with the summary of votes are available for review upon request to the Debtors' counsel.

At this time and without waiving any rights to proceed as may otherwise be appropriate, the Debtors intend to seek confirmation of their plan under 11 U.S.C. § 1191(b).

October 11, 2023

Respectfully submitted,
Anne Christine Dobson
Tommy Dewayne Dobson

By Counsel

By: /s/ David Cox
David Cox (VSB# 38670)
COX LAW GROUP
900 Lakeside Drive
Lynchburg, VA 24501
434/845-2600
david@coxlawgroup.com

CERTIFICATE OF MAILING

I hereby certify that on October 11, 2023, copies of the foregoing Ballot Summary were served via CM/ECF on all parties listed receiving notice in this case electronically.

Dated: October 11, 2023

/s/ David Cox